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*Attorneys for Summit Properties Partnership*

8  
9 **IN THE UNITED STATES BANKRUPTCY COURT**  
10 **FOR THE DISTRICT OF OREGON**

11 In re

12 **STATES INDUSTRIES, INC.,**

13  
14  
15 Debtor-in-Possession

Case No. 10-65148-fra11

**DECLARATION OF HENRY P. VAN  
HOY, II, IN SUPPORT OF LANDLORD'S  
OBJECTION  
(North Carolina Facility)**

16  
17 Under penalty of perjury, I hereby declare as follows:

18 1. I am a partner in the law firm of Martin & Van Hoy, LLP, located in North  
19 Carolina. I am over the age of eighteen and am competent to testify to the facts set forth herein.

20 2. I have represented Summit Properties Partnership in connection with its lease to  
21 States Industries, Inc., and in connection with the suit I filed in North Carolina against States  
22 Industries.

23 3. After the suit was filed and States Industries had ceased operations on the  
24 premises, I received copies of emails sent by States Industries wherein States had contacted my  
25 client for purposes of removing certain of its assets from the leased premises. My client did not  
26 block States' access to its assets.

1           4.       Since learning that States Industries had filed bankruptcy, I have been awaiting  
2 receipt of a motion from States indicating whether it intended to assume or reject its lease with  
3 my client. I learned of States' decision to reject only after September 17, 2010, when States filed  
4 its pending motion.

5           I declare under penalty of perjury that I have read the foregoing declaration and the  
6 statements are true and correct to the best of my knowledge, information, and belief.

7  
8 By: A large, stylized handwritten signature in blue ink, appearing to read 'H. Van Hoy II', is written over a horizontal line.

9 Henry P. Van Hoy, II  
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*Attorneys for Summit Properties Partnership*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

In re

Case No. 10-65148-fra11

**STATES INDUSTRIES, INC.,**

**CERTIFICATE OF SERVICE**

Debtor-in-Possession

I hereby certify that I served the foregoing *DECLARATION OF HENRY P. VAN HOY, II, IN SUPPORT OF LANDLORD'S OBJECTION (North Carolina Facility)* on the following:

**VIA CM/ECF:**

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 21 ATTN: GLENN DUCKWORTH, PRESIDENT  
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DATED this 8<sup>th</sup> day of October, 2010

By: /s/ Gregg D. Johnson  
Gregg D. Johnson, OSB # 832532